

REMARKS/ARGUMENTS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-25 are pending in the present application, the specification and Claims 9 and 22 amended by way of this amendment.

This Preliminary Amendment amends the specification and claims 9 and 22 by replacing "DyO<sub>3</sub>" with --Dy<sub>2</sub>O<sub>3</sub>--. The term "DyO<sub>3</sub>" is an obvious error.

An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of error in the specification, but also the appropriate correction. M.P.E.P. 2163.07.II

The specification discloses "DyO<sub>3</sub>". The skilled artisan knows that "Dy" refers to the metallic element dysprosium and that "O" refers to the element oxygen. See, e.g., Hawley's Condensed Chemical Dictionary, Twelfth Edition, pages 451 and 862-863 (copy of each attached). "A mineral in which metallic atoms are bonded to oxygen atoms" is a definition of the term "oxide". Id., at page 861 (copy attached). Thus, the skilled artisan knows that "DyO<sub>3</sub>" refers to an oxide of dysprosium, i.e., "dysprosium oxide". However, "dysprosium oxide" has only the chemical formula "Dy<sub>2</sub>O<sub>3</sub>". Id., at page 451. Because "DyO<sub>3</sub>" is not a "dysprosium oxide", the skilled artisan would recognize (i) that "DyO<sub>3</sub>" must be an error. Furthermore, because "dysprosium oxide" has only the chemical formula "Dy<sub>2</sub>O<sub>3</sub>", the skilled artisan would recognize (ii) that "DyO<sub>3</sub>" should be corrected to read --Dy<sub>2</sub>O<sub>3</sub>--. Because an amendment to correct an obvious error does not constitute new matter, no new matter would be introduced by entry of these amendments.

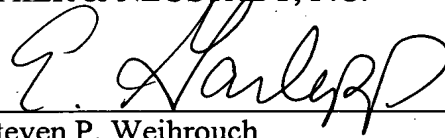
Accordingly, examination of the present application is believed to be in order. An early and favorable action is therefore respectfully requested.

Application No. 10/550,416  
Preliminary Amendment

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, he is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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